

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 79798

Automotive Holdings LLC  
926 Barron Avenue  
Baltimore MD 21221

9311 Colorado Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on August 11, 2010, for a Hearing on a citation for violations of the Baltimore County Zoning Regulations (BCZR) section 428, failure to tag or remove multiple vehicles; BCZR section 101, 102.1, and Zoning Commissioners Policy Manual (ZCPM), failure to cease illegal home business dealing with cars in some capacity on residential property zoned RC 5 known as 9311 Colorado Avenue, 21133.

On July 19, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector David Kirby issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,500.00 (two thousand five hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on June 24, 2010 for removal of untagged/inoperative motor vehicles from residential property, illegal home occupation, illegal to have any car sales or repair business on property. This Citation was issued on July 29, 2010.

B. Notes in the file by Inspector David Kirby state that his initial inspection on June 24, 2010 found eight vehicles in the driveway, with at least five untagged. One had the word "sold" written in the back window. Re-inspection on July 19, 2010 found no change, with six to eight untagged cars and some with flat tires. Pre-hearing inspection on August 10, 2010 found no change, with a dozen vehicles in the driveway and most lacking tags. Photographs in the file confirm these notes. Cars are parked closely behind each other in multiple columns up the driveway and also in the yard. The property has the appearance of a car lot or staging area.

C. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondent has exceeded this limitation. This Citation will be enforced.

D. This property is zoned R.C. 5 (Rural-Residential). The Baltimore County Code and Baltimore County Zoning Regulations significantly restrict the non-residential uses of properties in R.C. zones. BCZR Section 102.1 ("No land shall be used or occupied and no building or structure shall be erected, altered, located or used except in conformity with these regulations...."); BCC Article 32, Title 3 (Planning, Zoning and Subdivision Control; Zoning); BCZR Article 1A. Resource Conservation Zones; BCZR Section 1A04 (R.C. 5 Use regulations). The zoning regulations do not permit use of residential property in an R.C. 5 Zone for a service garage or car sales operation, including staging vehicles for pickup or delivery as part of a car sales business. This Citation will be enforced.

E. Respondent has failed to respond to any of the County's notices and failed to appear for this Hearing. If the violations are not corrected within the time provided below, with all untagged or inoperative cars removed from the property and with all unlawful activity related to business or commercial use ceased (whether or not such vehicles are tagged), the County will be authorized to remove all vehicles from the property, at the expense of the property owner.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$2,500.00 (two thousand five hundred dollars).

IT IS FURTHER ORDERED that after September 1, 2010, if the zoning violations have not been corrected, the County may enter the property for the purpose of removing all motor vehicles, whether tagged or untagged, at the expense of the property owner.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 16<sup>th</sup> day of August 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer